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EXAMINER

PEACHES, RANDY

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 02/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,266

Applicant(s)

SAUCEDO ET AL.

Examiner

Randy Peaches

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "512" has been used to designate both Serving MPC and an Anchor MPC. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine et al (U.S. Patent Number 6,356,751 B1) in view of Choi et al (U.S. Patent Number 6,594,492 B2) and further view of Houde (U.S. Patent Number 5,797,093).

Regarding **claim 1**, Valentine et al discloses method of managing an Emergency Service Call (ESC) within a network while a party is engaged in an on-going call, wherein the network includes a serving MSC/VLR 14(b), and anchor MSC/VLR 14(a), which reads on claimed "serving entity and an anchor entity", a Call optimization Server

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(COS, 240) in conjunction with an Home Location Register (HLR, 26), which reads on claimed "Position Determining Entity (PDE), to determine the location of the called party (see columns 3 and 4 lines 66-67 lines 1-5, respectively) and an Emergency Call Center (ECC, 50), which reads on claimed "Emergency Service Entity", and wherein the on-going call has been handed-off from the said anchor MSC/VLR 14(a) to serving MSC/VLR 14(b), comprising the steps of:

- receiving an Emergency Request Message (ERM, 245) for an Emergency Call (EC), which reads on claimed "a request for the ESC", at the said serving MSC/VLR 14(b). See column 5 lines 54-59;
- receiving a request or a current location of the party at the said COS (240). See columns 3 and 4 lines 66-67 lines 1-5, respectively;
- determining the current location of the party at the said COS (240) in conjunction with the said HLR (26). See columns 3 and 4 lines 66-67 lines 1-5, respectively
- receiving the current location of the party at the said serving MSC/VLR 14(b),
- subsequently updating the said anchor MSC/VLR 14(a) with the current location of the Mobile Station. See column 1 lines 53-67.

However, Valentine et al fails to clearly specify sending the current location to an anchor entity, and setting up an EC between the anchor entity.

Choi et al teaches in columns 6 and 7 lines 58-67 lines 6-12 of:

- sending the current location to the anchor exchange (504);

- setting up the emergency call, see column 4 lines 30-34, between the said anchor exchange and the said Emergency Call Center (50), which reads on claimed "Emergency Service Entity". See FIGURE 5.

The combination of Valentine et al (U.S. Patent Number 6,356,751 B1) and Choi et al (U.S. Patent Number 6,594,492 B2) fails to teach on a calling party being engaged in an on-going conversation prior to initiating a said EC.

Houde (U.S. Patent Number 5,797,093) teaches in column 4 lines 37-43, of a mobile station (20') wishing to originate a cellular emergency call concurrently continued with a first call, which reads on claimed "a party is engaged in an on-going call".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings Valentine et al (U.S. Patent Number 6,356,751 B1) in view of Choi et al (U.S. Patent Number 6,594,492 B2) to further include Houde (U.S. Patent Number 5,797,093) in order to establish a third party emergency call in parallel with a on-going conversation with a first and second party call. In addition, develop a method to where the elements of the said network are able to locate a second party in through the continued communication link of the on-going said first and second party's conversation.

Regarding **claim 2**, as the above combination of Valentine et al (U.S. Patent Number 6,356,751 B1), Choi et al (U.S. Patent Number 6,594,492 B2) and Houde (U.S. Patent Number 5,797,093) are made, the combination according to **claim 1**, would result in a

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method wherein the step of receiving a request for the said EC at the serving MSC/VLR

14(b) further includes the step of:

- receiving a request for the said EC after the on-going call is placed on hold. See Valentine et al column 3 lines 9-15.

Regarding **claim 3**, as the above combination of Valentine et al (U.S. Patent Number 6,356,751 B1), Choi et al (U.S. Patent Number 6,594,492 B2) and Houde (U.S. Patent Number 5,797,093) are made, the combination according to **claim 1**, would result in a method wherein the serving entity includes, as taught by Choi et al, a Serving Exchange (502), which reads on claimed "Serving Mobile Switching Center (SMSC)", and an associated Serving Mobile Position Center (512), which reads on claimed "Mobile Position Center (SMPC), and wherein the step of receiving a request for a current location of the party at the Position Determining Equipment (PDE, 520) further includes the steps of:

- sending an ISPOSREQ message (516) for the said Serving Exchange (502) to the said Serving Mobile Position Center (512); and
- sending a POSREG (516) from Serving Mobile Position Center (512) to the said PDE (520). See Choi et al column 7 lines 3-15.

Regarding **claim 4**, as the above combination of Valentine et al (U.S. Patent Number 6,356,751 B1), Choi et al (U.S. Patent Number 6,594,492 B2) and Houde (U.S. Patent Number 5,797,093) are made, the combination according to **claim 1**, would result in a

method wherein the serving entity includes, as taught by Choi et al, a Serving Exchange (502), which reads on claimed "Serving Mobile Switching Center (SMSC)", and an associated Serving Mobile Position Center (512), which reads on claimed "Mobile Position Center (SMPC), and wherein the step of sending the current location to the anchor entity the party at the serving entity further includes the steps of:

- sending a said POSREG (516) response including the current location of the party from the said PDE (520) to the Serving Exchange (502). See Choi et al column 9 lines 18-21; and
- sending an ISPOSREQ response including the current location of the party from the Serving Mobile Position Center (512) and a Serving Exchange (502). See Choi et al column 9 lines 18-21.

Regarding **claim 5**, as the above combination of Valentine et al (U.S. Patent Number 6,356,751 B1), Choi et al (U.S. Patent Number 6,594,492 B2) and Houde (U.S. Patent Number 5,797,093) are made, the combination according to **claim 1**, would result in a method wherein the serving entity includes, as taught by Choi et al, a Serving Exchange (502), which reads on claimed "Serving Mobile Switching Center (SMSC)", and an associated Serving Mobile Position Center (512), which reads on claimed "Mobile Position Center (SMPC), and wherein the step of sending the current location of the said anchor MSC/VLR 14(a) further includes the steps of:

- as taught by Houde (U.S. Patent Number 5,797,093) in columns 4 and 5 lines 61-67 lines 1-55, when a said EC is initiated, the said anchor MSC/VLR 14(a)

generates a message including a number of parameters for transmission to other (anchor) Mobile Switching Center.

Regarding **claim 6**, as the above combination of Valentine et al (U.S. Patent Number 6,356,751 B1), Choi et al (U.S. Patent Number 6,594,492 B2), Houde (U.S. Patent Number 5,797,093) are made, the combination according to **claim 1**, would result in a method wherein the anchor entity includes a Anchor Exchange (504), which reads on claimed "Anchor Mobile Switching Center), and an associated Anchor Mobile Position Center (512), and wherein the step of subsequently updating the anchor entity with the current location further includes the steps of:

- sending the ISPOSREG message including the current location of the party from the said Anchor Exchange (504) to the said Anchor Mobile Position Center (512).

See Choi et al column 9 lines 21-31.

Regarding **claim 7**, as the above combination of Valentine et al (U.S. Patent Number 6,356,751 B1), Choi et al (U.S. Patent Number 6,594,492 B2) and Houde (U.S. Patent Number 5,797,093) are made, the combination according to **claim 1**, would result in a method, as taught by Choi et al in column 6 lines 49-52, wherein the Emergency Service Entity is an Emergency Services Center (ESC, 508), which reads on claimed "Emergency Services Network Entity".

2. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Valentine et al (U.S. Patent Number 6,356,751 B1), Choi et al (U.S. Patent Number 6,594,492 B2), and Houde (U.S. Patent Number 5,797,093) in view of Chen et al (U.S. Patent Number 6,522,882 B1).

Regarding **claim 8**, as the above combination of Valentine et al (U.S. Patent Number 6,356,751 B1), Choi et al (U.S. Patent Number 6,594,492 B2) and Houde (U.S. Patent Number 5,797,093) are made, the combination according to **claim 1**, fails to teach of the said party's in conversation being a non-trouble and a trouble party including step of receiving a request for the location of the troubled party.

Chen et al (U.S. Patent Number 6,522,882 B1) teaches in columns 11 and 12 lines 9-21, 43-67 lines 1-44, respectively, of a friend or family member, which reads on claim "non-troubled party", issues a request of the location of a mobile transceiver, which reads on claimed "troubled party" without leaving the conversation state, which reads on claimed "on-going call". See column 2 lines 50-61.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify the combined teachings Valentine et al (U.S. Patent Number 6,356,751 B1), Choi et al (U.S. Patent Number 6,594,492 B2), and Houde (U.S. Patent Number 5,797,093) to further include Chen et al (U.S. Patent Number 6,522,882 B1) in order to determine the location of a said troubled party and transmit the said troubled party's location to a serving entity to further allow a said Emergency

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Call Center (50) the location of the troubled party during an on-going conversation with a non-troubled party.

3. **Claims 9-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Choi et al (U.S. Patent Number 6,594,492) in view of Houde (U.S. Patent Number 5,797,093).

Regarding **claim 9**, Choi et al discloses in FIGURE 5, a network for managing an Emergency Services Call (ESC, 500) invoked by a party while the party is engaged in a said on-going call that has been handed off to serve the party at a current location, comprising:

- a said anchor exchange (504) for updating the current location subsequent to setting up the said ESC (500). See column 7 lines 18-25.
- a Serving Exchange (502) in electronic communication with the said anchor exchange. See columns 6 and 7 lines 42-67 lines 1-31, respectively.
- a Position Determining Entity (PDE, 52) in electronic communication with the Serving Exchange. See column 7 lines 5-21.
- an Emergency Service Center (508) in electronic communication with the said Anchor Exchange (504).

However, Choi et al (U.S. Patent Number 6,594,492 B2) fails to teach of a calling party being engaged in an on-going conversation prior to initiating a said ESC (500).

Houde (U.S. Patent Number 5,797,093) teaches in column 4 lines 37-43, of a mobile station (20') wishing to originate a cellular emergency call concurrently continued with a first call, which reads on claimed "a party is engaged in an on-going call".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Choi et al (U.S. Patent Number 6,594,492 B2) to include Houde (U.S. Patent Number 5,797,093) in order to establish a said ESC (500) initiated by a first party in an on-going conversation with a second party where the said serving and anchor exchanges are electronically communicating with said PDE and said Emergency Service Center (508).

Regarding **claim 10**, as the above combination of Choi et al (U.S. Patent Number 6,594,492 B2) and Houde (U.S. Patent Number 5,797,093) are made, the combination as claimed in **claim 9**, Choi et al discloses a network wherein the Serving Entity includes:

- a Serving Exchange, which reads on claimed "Serving Mobile Switching Center", in electronic communication with the said PDE (52). See FIGURE 5; and
- and associated Serving Mobile Position Center (512), which reads on claimed "Mobile Position Center", in electronic communication with said Serving Exchange.

Regarding **claim 11**, as the above combination of Choi et al (U.S. Patent Number 6,594,492 B2) and Houde (U.S. Patent Number 5,797,093) are made, the combination

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as claimed in **claim 9**, Choi et al discloses a network wherein the Anchor Entity includes:

- Anchor Exchange (504), which reads on claimed "Anchor Mobile Switching Center", in electronic communication with the said serving entity. See FIGURE 5 reference (404); and
- an associated Anchor Mobile Position Center (512) in electronic communication with the said Anchor Exchange.

Regarding **claim 12**, as the above combination of Choi et al (U.S. Patent Number 6,594,492 B2) and Houde (U.S. Patent Number 5,797,093) are made, the combination as claimed in **claim 9**, Choi et al discloses a network wherein the Emergency Service Entity is an Emergency Services Center (ESC, 508), which reads on claimed "Emergency Services Network Entity". See column 6 lines 49-52.

4. **Claims 13-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Valentine et al (U.S. Patent Number 6,356,751 B1) in view of Houde (U.S. Patent Number 5,797,093).

Regarding **claim 13**, Valentine et al discloses a method of managing an Emergency Service Call (ESC) within a telecommunication system, which reads on claimed "network", while a first MS (20a), which reads on claimed "non-troubled party", is engaged in an on-going call with a MS (20b), which reads on claimed "troubled party, at

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a trouble location by activating the emergency call feature, see column 3 lines 9-14, wherein the said telecommunication system includes a serving MSC/VLR 14(b), and anchor MSC/VLR 14(a), which reads on claimed "serving entity and an anchor entity", a Call optimization Server (COS, 240) in conjunction with an Home Location Register (HLR, 26), which reads on claimed "Position Determining Entity (PDE), to determine the location of the called party (see columns 3 and 4 lines 66-67 lines 1-5, respectively) and an Emergency Call Center (ECC, 50), which reads on claimed "Emergency Service Entity", and wherein the on-going call has been handed-off from the said anchor MSC/VLR 14(a) to serving MSC/VLR 14(b), comprising the steps of:

- receiving an Emergency Request Message (ERM, 245) for an Emergency Call (EC), which reads on claimed "a request for the ESC", at the said serving MSC/VLR 14(b). See column 5 lines 54-59;
- receiving a request or a current location of the said MS (20b) or troubled party at the said COS (240). See columns 3 and 4 lines 66-67 lines 1-5, respectively;
- determining the current location of the said MS 20(b) or called troubled party at the said COS (240) in conjunction with the said HLR (26). See columns 3 and 4 lines 66-67 lines 1-5, respectively;
- receiving the current location of the said troubled party at the said serving MSC/VLR 14(b),
- sending the troubled party's location to the said anchor MSC/VLR 14(a). See column 3 and 4 lines 55-67 lines 1-10, respectively; and

- setting up the said EC between the anchor MSC/VLR 14(a) and the said ECC (50). See column 5 lines 49-55.

However, Valentine et al (U.S. Patent Number 6,356,751 B1) fails to teach of a calling party being engaged in an on-going conversation prior to initiating a said EC.

Houde (U.S. Patent Number 5,797,093) teaches in column 4 lines 37-43, of a mobile station (20') wishing to originate a cellular emergency call concurrently continued with a first call, which reads on claimed "a party is engaged in an on-going call".

Therefore, at the time of the invention it would have been obvious to a person of ordinary skilled in the art to modify Valentine et al (U.S. Patent Number 6,356,751 B1) to include Houde (U.S. Patent Number 5,797,093) in order to manage a said EC during an on-going conversation when a non-troubled party initiates an emergency procedure allowing the said network the ability to located the troubled party and, in conjunction, hand-off the said call from a said anchor entity to a said serving entity.

Regarding **claim 14**, as the above combination of Valentine et al (U.S. Patent Number 6,356,751 B1) and Houde (U.S. Patent Number 5,797,093) are made, the combination as claimed in **claim 13**, Valentine et al discloses a method wherein the request for the said EC includes an emergency key or keys, which reads on claimed "key code", triggers the emergency call procedure, which includes determining the troubled location by the said COS in conjunction with the said HLR. See column 4 lines 46-67.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (703) 305-8993. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
February 2, 2004

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